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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

16 JUN 2005

Applicant's or agent's file reference 42550/x288	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No.  <b>PCT/NZ2003/000279</b>	International Filing Date (day/month/year) 17 December 2003	Priority Date (day/month/year)  17 December 2002
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl.<sup>7</sup> G01N 22/04, 33/12, G01K 11/06, 13/10, A23B 4/06, 4/07</b>		
Applicant  <b>AGRESEARCH LIMITED et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 14 sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 2 July 2004	Date of completion of the report 21 April 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>RAJEEV DESHMUKH</b> Telephone No. (02) 6283 2145

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☐ the international application as originally filed.
- ☒ the description, pages 1-7, as originally filed,  
pages , filed with the demand,  
pages 8-17, received on 18 April 2005 with the letter of 18 April 2005
- ☒ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages 18-21, received on 18 April 2005 with the letter of 18 April 2005
- ☒ the drawings, pages 1/4-4/4, as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 2-19	YES
	Claims	NO
Inventive step (IS)	Claims 2-19	YES
	Claims	NO
Industrial applicability (IA)	Claims 2-19	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

WO 1998/001747 A1 (REED) 15 January 1998  
 Patent Abstracts of Japan, JP 59-176655 A (HITACHI HEATING APPLIANCE CO LTD)  
 GB 1114157 A (ASSOCIATED ELECTRICAL INDUSTRIES LIMITED) 15 May 1968  
 KUPFER, "Mikrowellenfeuchtmeßgeräte und ihr Einsatz in der Prozeßtechnik", Technische Messen, vol. 61, no. 11, November 1994, pages 409-420  
 WO 1991/002966 A1 (COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION) 7 March 1991—see page 16, lines 7-11 ("*a horn antenna for transmission through a sample positioned on a conveyor belt immediately above the transmitter*").  
 GB 2297846 A (MMC SPACE SYSTEMS LIMITED) 14 August 1996  
 US 5845529 A (MOSHE et al.) 8 December 1998  
 US 5871397 A (NELSON et al.) 16 February 1999  
 GB 2359630 A (THOMPSON et al.) 29 August 2001—see drawing sheets 1/5, 3/5 showing the antenna horns *in contact with* the product.  
 GB 2185311 A (FILTROL CORPORATION) 15 July 1987  
 US 4131845 A (PAKULIS) 26 December 1978—see figure 2 where the transmitting and the receiving horns are *in contact with* the chute.  
 US 4727311 A (WALKER) 23 February 1988  
 DD 203398 A (WEBER et al.) 19 October 1983

NOVELTY (N), INVENTIVE STEP (IS), INDUSTRIAL APPLICABILITY (IA)

None of the cited documents discloses or (individually or in an obvious combination) suggests the invention as claimed in claims 2-19 wherein a **reversible drive apparatus** is used to achieve a configuration where the emitter (and optionally the detector) are positioned *immediately adjacent or in contact to the object*. Therefore the claimed invention is novel, involves an inventive step, and is industrially applicable.

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The claims are numbered from number 2 onwards. There is no claim 1.

referred to herein, this reference does not constitute an admission that any of these documents form part of the common general knowledge in the art, in New Zealand or in any other country.

It is acknowledged that the term 'comprise' may, under varying jurisdictions, be attributed with either an exclusive or an inclusive meaning. For the purpose of this specification, and unless otherwise noted, the term 'comprise' shall have an inclusive meaning - i.e. that it will be taken to mean an inclusion of not only the listed components it directly references, but also other non-specified components or elements. This rationale will also be used when the term 'comprised' or 'comprising' is used in relation to one or more steps in a method or process.

It is an object of the present invention to address the foregoing problems or at least to provide the public with a useful choice.

Further aspects and advantages of the present invention will become apparent from the ensuing description which is given by way of example only.

**DISCLOSURE OF INVENTION**

According to one aspect of the present invention there is provided an apparatus for measuring the transmission or attenuation of electromagnetic radiation through an object, said apparatus including an electromagnetic radiation emitter and detector, characterised in that the apparatus further includes a drive apparatus capable of reversibly placing the said emitter immediately adjacent or in contact with a surface of the object such that any emitted electromagnetic radiation from the emitter is transmitted into the object, wherein to perform transmission/attenuation measurements, said emitter is positioned by said drive apparatus immediately adjacent or in contact with the surface of said object and said detector is positioned on an opposing side of the object such that the detector receives electromagnetic

radiation transmitted through the object from the emitter

The present invention thus provides a means of mitigating measurement errors stemming from any detector readings of indirectly received electromagnetic radiation not passing through the object. This is particularly useful for temperature  
5 measurements, where the transmissivity of the object to the incident electromagnetic radiation varies according to temperature.

Thus, according to one embodiment of the present invention, said apparatus is configurable to perform temperature measurements by positioning of the emitter immediately adjacent or in contact with the surface of said object and positioning said  
10 detector on an opposing side of the object such that the detector receives electromagnetic radiation transmitted through the object from the emitter.

In particular, the invention is suited to, but not restricted to, temperature measurements using microwave radiation.

According to one embodiment of the present invention there is provided an apparatus  
15 for measuring the temperature of an object, said apparatus including:

- a microwave emitter and a microwave detector

characterised in that the apparatus further includes a drive apparatus capable of reversibly placing the said emitter immediately adjacent to, or in contact with, a surface of the object, wherein to perform temperature measurements, said  
20 microwave emitter is positioned by said drive apparatus immediately adjacent the surface of said object and said detector is positioned on an opposing side of the object such that the microwave detector receives microwave radiation transmitted through the object from the microwave emitter.

According to another aspect of the present invention there is provided a method of  
25 measuring the temperature of an object using microwave radiation using the

apparatus as described above, said method characterised by the steps of:

- ° using said apparatus to position the microwave emitter immediately adjacent or in contact with a surface of said object;
- ° positioning a microwave detector on an opposing side of the object to said emitter;

such that the microwave detector receives microwave radiation transmitted through the object from the microwave emitter.

As used herein, the term object is to be interpreted widely and includes any substance, material, or organic matter, particularly those containing moisture and/or any other substance where the transmittivity of electromagnetic radiation energy changes measurably with temperature.

In one embodiment, said object is frozen, near frozen or chilled.

It will be appreciated however that the present invention is not necessarily limited to the temperature measurements of frozen or chilled objects. Alternative (non-temperature related) uses may be made of the measurements produced by the present invention.

Optionally, the present invention also includes drive apparatus capable of reversibly placing the detector on an opposing side of said object to said emitter.

According to one aspect of the present invention, said drive apparatus is a linear actuator including, but not limited to, pneumatic, hydraulic, electro-mechanical operated actuators.

The drive apparatus/emitter assembly may further include a proximity sensor capable of determining the proximity of the object to the emitter. Thus, the emitter may be reliably and repeatably placed at the same degree of proximity to each object without

risk of impact. In one embodiment, the proximity sensor is an ultrasonic sensor.

Preferably, said detector is positioned immediately adjacent to or in contact with said object. However, in an alternative embodiment, said detector is located proximate to, but not in contact with said object.

5 The present invention as described above confers a number of advantages over the prior art. There is no restriction on the object size due to the need to place the object in an enclosure. Furthermore, the possible detection of erroneous electromagnetic radiation not transmitted through the object is practically eliminated by placing the transmitter adjacent the object surface. Placing the detector (as well as the emitter)  
10 immediately adjacent or in contact with the object also aids in ensuring only microwaves transmitted through the object (or at least substantially only these microwaves) are detected. Surprisingly, it has been found that locating the detector at a short distance from the object does not necessarily corrupt accurate measurements.

15 The present invention is also ideally suited to rapid repeat temperature measurements of objects on a production line or the like. As there is no requirement for placing the object in a housing or enclosure, the dwell-time between measurements is not exacerbated by removing the objects from a conveyor system or the like, placing in an enclosure for measurement, and (possibly) replacing on the  
20 conveyor system. Instead, the temperature of chilled or frozen objects may be measured directly on a conveyor or similar, thus speeding throughput significantly.

Thus, according to a further embodiment, said object is placed on a moving conveyance located between the emitter and detector.

A moving conveyance includes, but is not limited to, conveyor systems, pallet  
25 handling systems, automated cargo transport systems, robotic, manual or other human operated object handling and transportation systems and the like.



Preferably, said conveyance has a primary axis of travel.

According to one aspect of the present invention, said drive apparatus is a linear actuator operating substantially orthogonally to said primary axis of the conveyance.

In embodiments using objects of highly uniform size and positioning on the conveyance means, it may be possible for the conveyance means to transport the  
5 object immediately adjacent to the emitter without the need to move the emitter, i.e., eliminating the need for an actuator.

Thus, temperature measurements of successive objects may be provided by the combined operation of said conveyance system moving successive objects along  
10 said primary axis of travel between the emitter and detector and a said linear actuator moving the emitter (and optionally) the detector into and out of contact with an object when interposed between said emitter and detector.

It is thus also possible to scan a large object by making repeated temperature measurements at different points or even continuous measurements as the  
15 emitter/detector is moved over the surface of the object.

However, it will be appreciated that the present invention need not necessarily be used in automated or multi object measurement application. The advantages of both simplified equipment over other electronic non-invasive systems together with the improved accuracy, convenience and non-invasive characteristics compared to drilled  
20 core samples favour the present invention for any scale of operation/application.

It is entirely feasible for an operator to manually place the emitter and detector on opposing sides of an object for a singular temperature measurement.

According to a further aspect, the present invention provides a method of measuring the transmission or attenuation of electromagnetic radiation through successive  
25 objects using the apparatus as hereinbefore described, comprising the steps;

- successively transporting objects via said conveyance system between the emitter and detector along the primary axis of travel;
- positioning the emitter adjacent to, or in contact with, each object when interposed between said emitter and detector;
- 5 - performing an electromagnetic radiation transmission or attenuation measurement;
- moving the emitter away from the object.

Preferably, the method further includes the steps of:

- positioning the detector adjacent to, or in contact with, each object when  
10 interposed between said emitter and detector prior to performing the electromagnetic radiation transmission or attenuation measurement;
- moving the detector away from the object.

According to one aspect, the apparatus is located and operable external to any enclosure or housing.

- 15 According to a further preferred embodiment, the present invention provides a method of measuring temperature of an object using microwave radiation using the apparatus substantially as described herein, said method characterised by the steps of:

- using said drive apparatus to position the microwave emitter immediately  
20 adjacent or in contact with a surface of said object;
- irradiating the object with microwave radiation from the emitter;
- detecting microwave radiation transmitted through the object with the microwave detector positioned on an opposing side of the object to said emitter

calculating the object temperature from said microwave radiation received by the detector.

As previously stated, the inventive emitter and detector configuration may also be utilised with other forms of electromagnetic radiation and for non-temperature measurement purposes.

#### **BRIEF DESCRIPTION OF DRAWINGS**

Further aspects of the present invention will become apparent from the following description which is given by way of example only and with reference to the accompanying drawings in which:

**Figure 1** shows a first side elevation of a preferred embodiment of the present invention;

**Figure 2** shows a second side elevation of the embodiment shown in figure 1;

**Figure 3** shows an enlarged view of the embodiment shown in figure 1, and

**Figure 4** shows an enlarged view of the embodiment shown in figure 2.

#### **BEST MODES FOR CARRYING OUT THE INVENTION**

Figures 1-4 show a first embodiment of the present invention for temperature measurement of frozen meat boxes in a meat processing plant.

Figures 1 and 2 show an embodiment of the present invention in the form of a microwave temperature measurement apparatus (1), comprised of a microwave emitter (2), a microwave detector (3), support frame (4) and a moving conveyance system in the form of conveyor system (5). This embodiment is primarily configured for measuring the temperature of frozen meat placed in standard meat cartons (6). However, the temperature measurement of alternative organic produce such as

cheese, fish or poultry may also be performed. Testing by the applicant has determined the successful functioning of the present invention with each such produce.

Furthermore, the use of microwave radiation is exemplary and is not limiting.  
5 Alternative forms of electromagnetic radiation may be employed according to the specific requirements of the application without departing from the inventive configuration of the emitter and detector described herein.

Figures 3 and 4 show enlarged representations of the microwave emitter and detector (2, 3), conveyor assembly (5) and carton (6). The microwave emitter (2) is located at  
10 the lower end of a drive apparatus in the form of a vertically orientated linear actuator (7) whilst the microwave detector (3) is fixed below the conveyor system (5) in a confronting relationship directly below the microwave emitter/actuator assembly (2, 7).

The microwave detector (3) and the exterior housing of the actuator (7) are secured  
15 to the support frame (4). The conveyor system (5) is formed from a plurality of cylindrical rollers (8) located transversely across the width of the conveyor (5). Meat cartons (6) are driven along the conveyor (5) either actively or under the influence of gravity by inclining the conveyor (5).

The primary axis of travel of the cartons (6) along the conveyor (5) passes between  
20 the microwave emitter and detector (2, 3) at which point a stop cylinder (9) raises from below the plane of the conveyor (5) surface to restrain the carton (6) while a temperature measurement is taken. A nudge bar (10) positions each carton laterally to align with the emitter/detector (2, 3) to account for any variation in alignment as cartons are transported on the conveyor (5).

25 When the carton (6) is correctly positioned by the stop cylinder (9) and nudge bar (10) between the microwave emitter and detector (2, 3) respectively, the linear

actuator (7) lowers the emitter (2) to a position immediately adjacent the surface of the carton (6). The position of the emitter (2) with respect to the carton (6) is governed by an ultrasonic proximity sensor (not shown). Thus, the emitter (2) may be rapidly and repeatably placed in the same proximity to each successive carton (6) without risk of impact or the need for manual intervention. Alternative proximity, contact or position sensors may be utilized instead of an ultrasonic sensor.

The microwave emitter (2) is then activated and a pulse of microwaves (not shown) is transmitted through the carton (6) towards the detector (3). The degree of attenuation of the transmitted microwave beam provides an indication of the temperature of the carton (6) and its contents, i.e. the frozen meat.

As the emitter is placed directly on the surface of the carton, virtually all the microwaves emitted have to travel through the carton (6) before being either absorbed, or detected by the detector (3). This configuration reduces the possibility for any external reflection, refraction or other indirect routes from the emitter (2) to the detector (3).

Although the above embodiment shows the use of temperature measurements with a standard sized meat container, it will be appreciated that a variety of other objects/containers may be employed by configuring and dimensioning the present invention (1) accordingly. It will be further appreciated that alternative conveyance means to the conveyor system (5) may be employed.

In the embodiment shown, the microwave detector (3) is positioned a short distance below the carton (6) to allow for the passage of the conveyor system (5). It will be appreciated that in other embodiments, the detector (3) may be placed in contact with or immediately adjacent to the surface of the carton (6) to ensure no extraneous reflected or refracted microwaves are received by the detector (3). It has been found in practice however that separating the detector (3) from the surface of the object

being the temperatures being measured (6) does not cause any appreciable degradation in the temperature measurement. Nevertheless, alternative detector/conveyor systems (3, 5) may be configured to permit placement of the detector (3) in contact with, or immediately adjacent to, the carton (6).

- 5 In yet further embodiments, the emitter (2) and detector (3) may be manually placed in position about the carton (6) to effect a single temperature measurement, as may be required for random sampling checks and the like.

Thus, by virtue of the aforementioned configuration, the present invention provides an apparatus and a method for measuring the transmission/attenuation of  
10 electromagnetic radiation transmitted through a sample without erroneous measurements from non-transmission radiation and without need to place the said objects in a measurement enclosure and without obstructing the throughput of objects in continuous production/packaging or storage applications.

Aspects of the present invention have been described by way of example only and it  
15 should be appreciated that modifications and additions may be made thereto without departing from the scope thereof.

Claims:

2. An apparatus for measuring the transmission or attenuation of electromagnetic radiation through an object, said apparatus including an electromagnetic radiation emitter and detector,

characterised in that the apparatus further includes a drive apparatus capable of reversibly placing the said emitter immediately adjacent or in contact with a surface of the object such that any emitted electromagnetic radiation from the emitter is transmitted into the object, wherein to perform transmission/attenuation measurements, said emitter is positioned by said drive apparatus immediately adjacent or in contact with the surface of said object and said detector is positioned on an opposing side of the object such that the detector receives electromagnetic radiation transmitted through the object from the emitter.

3. The apparatus as claimed in claim 1, wherein said apparatus is configurable to perform temperature measurements by positioning of the emitter immediately adjacent or in contact with the surface of said object and positioning said detector on an opposing side of the object such that the detector receives any electromagnetic radiation transmitted through the object from the emitter.
4. The apparatus as claimed in claim 1 or claim 2, wherein said object includes any substance, material, or organic matter containing moisture and/or any other substance where the transmittivity of electromagnetic radiation energy changes measurably with temperature.
5. The apparatus as claimed in any one of the preceding claims, wherein said object is frozen, near frozen or chilled.

6. The apparatus as claimed in any one of claims 1 - 4, wherein said drive apparatus is capable of reversibly placing the said microwave detector on an opposing side of said object to said emitter.
7. The apparatus as claimed in any one of claims 1 - 5, wherein said drive apparatus is a pneumatic, hydraulic, or electro-mechanical operated linear actuator.
8. An apparatus for measuring the transmission or attenuation of electromagnetic radiation through an object, said apparatus including an electromagnetic radiation emitter and detector, characterised in that the apparatus further includes a drive apparatus capable of reversibly placing the said emitter immediately adjacent or in contact with a surface of the object such that any emitted electromagnetic radiation from the emitter is transmitted into the object, and a proximity sensor capable of determining the proximity of the object to the emitter, wherein to perform transmission/attenuation measurements, said emitter is positioned by said drive apparatus immediately adjacent or in contact with the surface of said object and said detector is positioned on an opposing side of the object such that the detector receives electromagnetic radiation transmitted through the object from the emitter.
9. The apparatus as claimed in claim 7, wherein the proximity sensor is an ultrasonic sensor.
10. The apparatus as claimed in any one of the preceding claims, wherein said detector is positionable immediately adjacent to, or in contact with, said object.
11. The apparatus as claimed in any one of claims 1-8, wherein said detector is located proximate to, but not in contact with said object.
12. The apparatus as claimed in any one of the preceding claims, further including



a moving conveyance configured to transport a plurality of objects along a primary axis of travel passing between the emitter and detector.

13. The apparatus as claimed in claim 11, wherein the moving conveyance includes conveyor systems, pallet-handling systems, automated cargo transport systems, robotic, manual or human-operated object handling and/or transportation systems.

14. A method of measuring the transmission or attenuation of electromagnetic radiation through successive objects using the apparatus claimed in claim 11 or 12, comprising the steps;

- successively transporting objects via said conveyance system between the emitter and detector along the primary axis of travel;
- positioning the emitter adjacent to, or in contact with, each object when interposed between said emitter and detector;
- performing an electromagnetic radiation transmission or attenuation measurement;
- moving the emitter away from the object.

15. The method as claimed in claim 13 including the further steps of;

- positioning the detector adjacent to, or in contact with, each object when interposed between said emitter and detector prior to performing the electromagnetic radiation transmission or attenuation measurement;
- moving the detector away from the object.

16. The method as claimed in claims 13 or 14, wherein the apparatus is located and operable external to any enclosure or housing.

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17. A method of measuring temperature of an object using microwave radiation using the apparatus as claimed in claims 1-12, said method characterised by the steps of:

- using said drive apparatus to position the microwave emitter immediately adjacent or in contact with a surface of said object;
- irradiating the object with microwave radiation from the emitter;
- detecting microwave radiation transmitted through the object with the microwave detector positioned on an opposing side of the object to said emitter
- calculating the object temperature from said microwave radiation received by the detector.

18. An apparatus substantially as hereinbefore described with reference to, and as shown in the drawings.

19. A method substantially as hereinbefore described with reference to, and as shown in the drawings.

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